

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully.

Claims 25-42 are presently active in this case, with Claims 1-24 canceled by the present Preliminary Amendment.

In the Official Action of July 25, 2003 issued for co-pending application Serial No. 09/716,317, Claims 5-15, 17-18, and 24 were rejected to under 35 U.S.C. § 112, second paragraph; Claims 1, 3-5, 7-9, 11-13, 15-16, 18-21, and 23-24 were rejected under 35 USC §103(a) as being unpatentable over Stevens (U.S. Patent 6,385,591); Claims 2 and 22 were allowed; and Claims 6, 10, 14 and 17 were indicated as allowable.

Claims 25-42 correspond to original Claims 1, 3-5, 7-9, 11-13, 15, 16, 18-21, 23 and 24, respectively, albeit amended to include all amendments previously introduced in co-pending application Serial No. 09/716,317, and further amended to more clearly describe and distinctly claim Applicants' inventions. The specification is amended to include a reference to co-pending application Serial No. 09/716,317 and to include all amendments previously introduced in co-pending application Serial No. 09/716,317. No new matter is added.

Briefly recapitulating, Claim 25 is directed to a service system comprising a portable terminal device, a processor mainframe, and an external device. The portable terminal device is configured to execute a program solely or in collaboration with another device. The portable terminal device includes (1) a portable terminal communication section configured to communicate with an external station; (2) a portable terminal storage section configured to store user personal game history information, *game attribute and character information*, and device service information; and (3) a portable terminal information management section configured to transmit the personal game history information, and receive the *game attribute*

*and character information* and the device service information. The processor mainframe includes (1) a main processor information exchange section configured to exchange information with the portable terminal device, and (2) a main processor information management section configured to provide the *game attribute and character information* to the portable terminal in accordance with a predetermined parameter. The external station includes (1) an external station communication section configured to (a) communicate with the portable terminal device when the portable terminal device is within a predetermined proximity to the external station, (b) receive the personal game history information transmitted from the portable terminal device, and (c) transmit the device service information to the portable terminal device, and (2) an external station distribution control section configured to control the distribution of the device service information to the portable terminal device according to the received game history information. The service system also includes a central service server configured to provide the device service information to the external station on the basis of the personal game history received by the external station from the portable terminal device. Independent Claims 26-27 and 38-42 describe different embodiments of Applicants' invention, each including elements directed to '*game attribute and character information*' and/or '*game coupon information*' and/or '*game history information*.'

By distributing game information exchange services between the processor mainframe and the external station, a higher degree of ambulatory movement and social interaction is imposed on the user of the portable device. In addition, specific marketing and

advertising benefits are achievable by controlling the distribution of game attributes and features.<sup>1</sup>

Stevens teaches a system and method of computerizing companies with customized individual addressable electronic direct marketing, self-service automation, and customer care support.<sup>2</sup> The personal terminal device of Stevens allows a customer to check out of a store without the help of a salesclerk.<sup>3</sup> Information is accumulated by the personal agent device of Stevens includes information about a product to be purchased, advertisement data, personal game history information (e.g., a person's clothing sizes), privacy/password information, product price/availability information, and other information. Stevens also teaches that buttons to control games may be included in the personal agent.<sup>4</sup> However, Stevens does not teach or suggest the exchange or use of "game attribute and character information" or "game coupon information" or "game history" information as recited in Applicants' independent claims.

Applicants therefore submit the inventions defined by Claims 25-27 and 38-42, and all claims depending therefrom, are not rendered obvious by the asserted prior art for at least the reasons stated above.<sup>5</sup> Furthermore, Applicants submit it is only through an impermissible hindsight reconstruction of Applicants' invention that further rejection of Claims 25-27 and 38-42 in view of Stevens can be understood.<sup>6</sup>

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<sup>1</sup> Specification, page 2, line 21 through page 3, line 18.

<sup>2</sup> Stevens, abstract.

<sup>3</sup> Stevens, column 5, lines 45-67.

<sup>4</sup> Stevens, column 14, lines 38-44.

<sup>5</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

<sup>6</sup> MPEP § 2143.01 "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge of one of ordinary skill in the art."

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Accordingly, in view of the present amendment and in light of the previous discussion, it is respectfully submitted that the application is believed in condition for allowance and early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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